

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

VIGILANT INSURANCE COMPANY,

Plaintiff,

vs.

YANG MING LINE; YANG MING
(AMERICA) CORP.; MAHER
TERMINALS LLC, POL LOGISTICS
and DOES 1 through 10, inclusive,

Defendants.

CIVIL ACTION NO. 07 Civ. 9566

**STIPULATION TO TRANSFER
THE WITHIN ACTION TO THE
DISTRICT COURT OF NEW
JERSEY PURSUANT TO 28 U.S.C.
SECTION 1404(a); ORDER
THEREON [Proposed]**

WHEREAS, this is an action for damage to cargo brought under
the Court's Admiralty and Maritime jurisdiction pursuant to 28 U.S.C. Section
1333 and Federal Rules of Civil Procedure Rule 9(h);

WHEREAS, this action involves a shipment of cargo from Hatfield,
Pennsylvania to Taipei, Taiwan via Port Elizabeth, New Jersey;

WHEREAS, the within action could have been brought in the New Jersey
District Court;

WHEREAS, Defendant MAHER TERMINALS LLC is the only defendant
to have appeared in this action, with MAHER objecting to this court's jurisdiction
over it;

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1 THEREFORE, IT IS HEREBY STIPULATED by Plaintiff VIGILANT
2 INSURANCE COMPANY and appearing defendant MAHER TERMINALS LLC,
3 through their respective counsel, that the within action be transferred to the New
4 Jersey District Court pursuant to 28 U.S.C. Section 1404(a) for the convenience of
5 the parties and witnesses and in the interest of justice.

6
7 Dated: January 23, 2008

CAMMARANO & SIRNA, LLP

8
9 By: 

Dennis A. Cammarano
Attorneys for Plaintiff
VIGILANT INSURANCE COMPANY

10
11
12 Dated: January 22, 2008

KENNY, STEARNS & ZONGHETTI, LLC

13
14 By: 

James M. Kenny
Attorneys for Defendant
MAHER TERMINALS, LLC

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18 **[PROPOSED] ORDER**

19 Good cause having been shown, the Court hereby approves the
20 foregoing stipulation of the parties and orders that the within action be transferred
21 to the District Court New Jersey, where the within action might have been brought
22 pursuant to 28 U.S.C. Section 1404(a).

23
24 Dated: January __, 2008

United States District Court Judge

25
26
27 2719StipTransfer

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California, am over the age of 18, and not a party to this action. My business address is 555 East Ocean Boulevard, Suite 501, Long Beach, California 90802. On January 23, 2008, I served the foregoing document(s) described as **STIPULATION TO TRANSFER THE WITHIN ACTION TO THE DISTRICT COURT OF NEW JERSEY PURSUANT TO 28 U.S.C. SECTION 1404(a); ORDER THEREON [Proposed]** on the interested parties by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

James M. Kenny, Esq.
KENNY, STEARNS & ZONGHETTI, LLC
26 Broadway
New York, New York 10004

YANG MING LINE (AMERICA) INC.
525 Washington Blvd., 25th Floor
Newport Office Tower
Jersey City, New Jersey 07310

YANG MING LINE
525 Washington Blvd., 25th Floor
Newport Office Tower
Jersey City, New Jersey 07310

POL LOGISTICS, INC.
c/o Yang Ming Line
525 Washington Blvd., 25th Floor
Newport Office Tower
Jersey City, New Jersey 07310

☐ **BY PERSONAL DELIVERY.** I delivered such envelope by hand to the offices of the addressee.

☒ **BY MAIL.** I caused such envelope with postage thereon fully prepaid to be placed in the U.S. Mail at Long Beach, California. I am "readily familiar" with the firm's practice of collection and processing correspondence and pleadings for mailing. Under that practice, it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Long Beach, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postage cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ **BY FACSIMILE TRANSMISSION.** I caused such document to be transmitted to the addressee(s) facsimile number(s) noted herein. The facsimile machine used complies with California Rule of Court 2003 and no error was reported by the machine. Pursuant to California Rules of Court 2006, et al., I caused the machine to print a transmission record of the transmission and the transmission record was properly issued by the transmitting facsimile machine.

☐ **BY FEDERAL EXPRESS.** I caused such envelope to be deposited at the Federal Express box at Long Beach, California for guaranteed one day delivery with delivery charges prepaid. I am "readily familiar" with the firm's practice of collection and processing correspondence and pleadings for delivery by Federal Express delivery service. Under that practice, it would be deposited with the delivery service on that same day with delivery charges thereon fully prepaid at Long Beach, California in the ordinary course of business for delivery to the addressee(s)

Executed on January 23, 2008, at Long Beach, California

☐ **(State)** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

☒ **(Federal)** I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Ysa B. Tull